



ST. MARY'S COUNTY GOVERNMENT

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ST. MARY'S COUNTY ETHICS COMMISSION
ADVISORY OPINION 93-02A
AUGUST 30, 1993

On February 22, 1993 the Ethics Commission issued Advisory Opinion 93-02. That opinion made a finding that a county official could, under certain conditions, accept donations to support his pending defamation suit against a local publication. Following the issuance of the opinion, issues not addressed in the opinion have been raised over the receipt and disbursement of funds raised by a group engaged in fundraising activities on the official's behalf (hereinafter the "group"). This opinion is intended to supplement Advisory Opinion 93-02 to resolve those issues.

The Ethics Commission has been advised by both the fundraising group and the official's attorney that to date, the group has raised funds through a golf tournament and reception at a local golf course. Funds collected were turned over by the fundraising group to the golf professional at the facility, who participated in the fund raising and is known to the official. After further reflection, the commission is of the opinion that all funds raised by the group should be paid directly by the donors to the law firm representing the official in the defamation suit, rather than be collected by the group itself or one of its members. In its fundraising efforts, the group is to provide prospective donors with envelopes addressed to the official's law firm, with instructions to mail their donations directly to the firm. Admission fees charged by the group for fundraising events shall only be used to cover the direct cost of the event, and may not be used as donations to the Requestor.

Promptly upon receipt, such funds are to be placed by the law firm directly into an escrow account under its control, and disbursements made by the firm's attorneys for appropriate expenses for legal fees and other costs of the suit. The law firm, rather than the group, will also be responsible for maintaining accurate records of the donors and donations, as well as receipts and expenditures, as required in Advisory Opinion 93-02. The law firm shall keep such records confidential and shall not disclose the identities of the donors to the Requestor.

If an occasion should arise where the official himself is approached by an individual seeking to make a donation, the official is to immediately advise the prospective donor that he is not permitted to discuss any fundraising activities in support of the suit, and shall not provide any information.

Except as expressly modified or supplemented herein, Advisory Opinion 93-02 shall remain in full force and effect.

ST. MARY'S COUNTY ETHICS COMMISSION

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